

United States Court of Appeals  
Fifth Circuit

**UNITED STATES COURT OF APPEALS** **FILED**

October 5, 2006

**FOR THE FIFTH CIRCUIT**

Charles R. Fulbruge III  
Clerk

No. 06-50227  
Conference Calendar

D.C. Docket No. 3:05-CR-2310-ALL

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

CARLOS RAMIREZ-MORA also known as, Luis A Ramirez also known  
as, Luis Alberto Ramirez-Hernandez

Defendant - Appellant

Appeal from the United States District Court for the  
Western District of Texas, El Paso.

Before JONES, Chief Judge, and SMITH, and STEWART, Circuit  
Judges.

**J U D G M E N T**

This cause was considered on the record on appeal and the  
briefs on file.

It is ordered and adjudged that the judgment of the District  
Court is affirmed.

ISSUED AS MANDATE: OCT 27 2006

A True Copy  
Attest

Clerk, U.S. Court of Appeals, Fifth Circuit

By: Gina B. Martin  
Deputy OCT 27 2006

New Orleans, Louisiana

FILED  
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CLERK OF DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
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IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 06-50227  
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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CARLOS RAMIREZ-MORA, also known as Luis Alberto  
Ramirez-Hernandez, also known as Luis A. Ramirez,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 3:05-CR-2310-ALL  
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Before JONES, Chief Judge, and SMITH and STEWART, Circuit Judges.

PER CURIAM:\*

Appealing the Judgment in a Criminal Case, Carlos Ramirez-Mora raises arguments that are foreclosed by Almendarez-Torres v. United States, 523 U.S. 224, 235 (1998), which held that 8 U.S.C. § 1326(b)(2) is a penalty provision and not a separate criminal offense. The Government's motion for summary affirmance is GRANTED, and the judgment of the district court is AFFIRMED.

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.